

REMARKS/ARGUMENTS

Claims 30-49 were pending in this application. Claims 36 and 40 have been amended. No claims have been added or canceled. Hence, claims 30-49 remain pending. Reconsideration of the subject application as amended is respectfully requested.

Claims 30-49 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 30-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the cited portions of U.S. Patent No. 6,169,894 to McCormick, *et al.* (hereinafter "McCormick").

Claim 36 has been amended to clarify the reference to "the at least one cell site coverage area." Claim 40 has been amended to more particularly point out and distinctly claim the Applicant's claimed invention. No new matter has been added.

Claims Rejected Under 35 U.S.C. 112, First Paragraph

With respect to the limitations of claims 30 and 40, the Applicants direct attention to, among other places, the specification beginning at page 5, line 21 through page 6, line 19, at which location the limitations discussed in the office action may be found. No new matter has been added.

Claims Rejected Under 35 U.S.C. 112, Second Paragraph

With respect to the limitations of claim 44, the Applicants direct attention to claim 16 of the original application. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 102(e)

The Applicants respectfully traverse the rejections of all claims since the cited reference does not teach all the claim limitations, either expressly or inherently, as required for a proper rejection under 35 U.S.C. § 102(e). Specifically, McCormick does not teach, "determining whether the requested media program is presently being broadcasted on a wireless channel in the wireless network [and] based upon said determination, establishing a first wireless channel upon which to broadcast the selected media program," as recited in claim 30, or "wherein the source provider is further configured to, in response to a request for a requested

media program, determine whether the requested media program is presently being broadcast on a wireless channel and, based upon said determination, establish a wireless channel upon which to broadcast the selected media program," as recited in claim 40. It is apparent that this is the case for two reasons. First, the determining step 310 of Fig. 3, cited by the office action as teaching this limitation, does not "determine[e] whether the requested media program is presently being broadcasted." At step 310 the switch determines that a feature code is a request for a broadcast channel. This is not the same as "determining whether the requested media program is presently being broadcasted," which is taught nowhere in McCormick. Moreover, it is apparent that, according to the teachings of McCormick, no such determination is necessary, since the information *IS* being broadcasted. The user simply needs to be directed to the appropriate channel to receive the broadcast. Hence, claims 30 and 40 are believed to be allowable, at least for this reason.

The remaining claims depend from either claim 30 or claim 40 and are believed to be allowable, at least for this reason.

CONCLUSION

In view of the foregoing, the Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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